

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – T & A (Sub) Services – Admission of fraudulent/bogus bills submitted by Wardens/Matrons of Social Welfare Department at Sub-Treasury, Bhongir – Disciplinary action initiated – Sri E. Venkata Hari, S.T.O., divisional Sub-Treasury, Bhongir – Punishment of withholding of 4 annual grade increments with cumulative effect – Appeal petition rejected – Review petition – Punishment modified to that of withholding of 3 annual grade increments without cumulative effect – Orders – Issued.

FINANCE (Admn.III) DEPARTMENT

G.O. Rt. No. 3239

Dt. 2-8-2008

Read the following:

1. D.T.A., Hyderabad Procs.No.KII(7)/6007/2001-2,dt. 1-5-2007.
2. Appeal petition of Sri E.V. Hari, S.T.O., dt. 27-9-2007.
3. Govt. Memo. No. 7616/481/A2/Admn.III/2007, dt. 7-3-2008.
4. Review petition of Sri E.V. Hari, S.T.O., dt. 09-4-2008.

O R D E R:

In connection with irregular payments on fraudulent/bogus bills submitted by the Wardens/Matrons at Sub-Treasury, Bhongir disciplinary action under Rule 20 of A.P.C.S.(C&A) Rules, 1991 have been initiated against Sri E.Venkata Hari, S.T.O., Divisional Sub-Treasury, Bhongir vide Erstwhile R.J.D., Region-III, Hyderabad vide Procs. Dt. 3-10-2001 and the following charges have been framed.

Charge-I:

Sri E. Venkata Hari, while working as Senior Accountant, Sub-Treasury, Bhongir has admitted bills exceeding the Budget provision during 1-4-2000 to 30-9-2000 (i.e., upto 2nd quarter) worth Rs.9,73,758/- under M.H. 2225 in respect of certain social Welfare Wardens and Matrons in violation of Government Orders issued vide Govt. Memo. No. 12913/452/BG/A1/2000, dt. 3-4-2000 of Finance and Planning (FW.BG) Dept.

Charge-II:

While he was working as Senior Accountant, Sub-Treasury, Bhongir has passed diet charges bills of Social Welfare Hostels worth Rs.7,32,541/- from 4/2000 to 12/2000 directly without accounting for the expenditure in the Budget Control Register concerned of the Sub-Treasury, Bhongir.

Charge-III:

While he was working as Senior Accountant, Sub-Treasury, Bhongir has admitted (44) Bills worth Rs.9,15,160/- pertaining to some Social Welfare Hostels even though they were not submitted through Treasury Bill register and thereby violated instruction 33 under T.R. 16 of A.P.T.C. Volume-I.

Charge-IV:

While he was working as Senior Accountant, Sub-Treasury, Bhongir, has passed the (21) bills pertaining to the Social Welfare Hostels as listed out in Annexure-II for payment by cash in violation of instructions issued in G.O.Ms.No.126, Social Welfare (A2) Department, dated 3-9-1997.

Charge-V:

While he was working as Senior Accountant, Sub-Treasury, Bhongir, has admitted and passed expenditure to a tune of Rs.4,20,985/- in the month of 10/2000 under different detailed heads viz., 054-Electricity Charges, 660-Diet Charges even though no budget was left over for the expenditure of third quarter and no fresh releases were received.

Charge-VI:

While he was working as Senior Accountant, Sub-Treasury, Bhongir, has collected 40% as illegal gratification from Sri Yellesha (Satish) Warden, social Welfare Hostel, Bhongir and passed bills presented by the warden without having Budget Provision and also without following the office procedure in vogue regarding processing of Bills in the Treasury.

Charge-VII:

While he was working as senior Accountant, Sub-Treasury, Bhongir, during the financial year 2000-2001 by admitting expenditure in respect of various Social Welfare Hostels in excess of the budget provision and in violation of instructions issued in G.O.Ms.No.126, has given scope for misappropriation of valuable public funds.

2. Not satisfied with the written statement of defence of Sri E. Venkata Hari, S.T.O., a regular inquiry has been conducted and the Enquiry Officer during enquiry out of 7 charges, 4 charges fully proved and 2 charges partly proved and charge No.VI has not been proved.

3. After following due procedure the D.T.A., vide his proceedings 1st cited has imposed the punishment of withholding of 4 annual grade increments with cumulative effect on Sri E.Venkata Hari, S.T.O.,Sub-Divisional Sub-Treasury, Bhongir.

4. Against the said punishment the individual has submitted Appeal petition vide reference 2nde cited and after careful examination of the same, Government have rejected his appeal petition vide reference 3rd cited.

5. Again the individual has submitted Review petition vide 4th cited, wherein he has stated that in this case, separate proceedings are taken against the Hostel Wardens and Treasuries staff. which resulted in great injustice to him in the form of a punishment manifold severe than what was imposed on the Wardens. The ultimate findings in the departmental enquiry is that a total excess expenditure of Rs.9,73,758/- was admitted in respect of four Social Welfare Hostels. The same allegation has been split into a number of lapses and was made out to six charges. Ultimately this comes out to only one charge. This has led to a magnified view of the lapse. This fact of a lenient view taken against the Drawing Officers confirms this. A charge of corruption has been made out based on a deposition of a Warden Sri Yellesha (Warden), Social Welfare Hostel, Bhongir. However, the warden has reiterated his earlier statement and denied it and as a result the inquiry authority rightly found the charge-VI not proved. As a result, whatever the lapses that are considered established in the inquiry deserve to be seen as procedural. Instead, the disciplinary authority appeared to have not taken this into consideration while imposing the severe punishment on him. In the inquiry copies of (21) paid vouchers only have been examined. Only a few of them were actually processed by him. Based on those few vouchers a general conclusion has been arrived at finding him responsible for processing all the bills in question. In the absence of complete evidence, it is unjustified to generalize it and find him responsible for processing all the bills. The inquiring authority in its findings against charge-II has found that "Since the Presenting Officer has submitted only (21) paid vouchers and in the absence of original B.C.R., it cannot definitely be said that the charged officer-3 (appellant herein) is responsible in putting up for passing bills worth Rs.9,73,758/- pertaining to diet charges as mentioned in the charge." When these findings are accepted, the intensity of the entire disciplinary proceedings would have been lightened. Unfortunately, he could not find this view in the orders of the disciplinary authority. The findings of the Inquiring authority are that he should have put up a note to his superiors on the facts and figures of budget availability and the expenditure to be incurred and that could have served as a deterrent to both the D.D.Os. as well as his superior officers. He also blames his superior officers who were also responsible for not identifying the excess budget. In the absence of original B.C.R. it cannot be definitely be said that the charged officer was responsible for putting up the bills as mentioned in the charge memo. The instructions 33 under T.R. 16 of A.P.T.C. Volume-I has no relevance at the material period, as a revised Treasury Bills Register with 21 columns was introduced, and the Drawing officer only was made responsible for recording entries therein and there is no column to be filled or initialed by the treasury officer. As such the charge itself is infructuous. The Inquiring authority has completely ignored this fact and found the charge as partly proved. The witness has admitted that he forgot to append draft requisition forms to the bills. The responsibility to decide as to whether to prefer a claim for cash or for D.D. rests with the Drawing Officer. When a responsible drawing Officer prefers a claim for payment by cash, it is unjustified to put the blame on the Treasury. Charge V is further extension of the Charge-I. As an Accountant, he had nothing to do in this decision. When the bills were processed along with the Budget Control register and when the Treasury officer has passed them for payment, he cannot be held responsible for these lapses. The superiors have considered the pleas of D.D.Os. and passed the bills. The D.D.Os. have preferred the claims in question and they are also responsible persons and requested for setting aside the orders of the D.T.A., Hyderabad.

6. Government, after careful examination of the material, i.e., Charge Memo., Written Statement of defence, Enquiry Report, remarks of the D.T.A., contents of the Review petition it is noticed that In this case separate enquiry has been conducted against the Wardens/Matrons of Social Welfare Department. As per the proceedings of the Dist. Collector (SW), Nalgonda dt. 1-1-2002 wherein the staff of Social Welfare Department were awarded the punishments and the amounts ordered for recovery, the total misappropriated amount shown as Rs.4,75,689/- only, and the same was ordered for recovery from the Wardens/Matrons of concerned Govt. Social Welfare Hostels only. The said main charged officers who were fraudulently drawn the amounts and misappropriated the same were awarded with the punishment of stoppage of (3) increments without cumulative effect. As verified from the charges, the first 3 charges are admitting of bills in excess of budget provision, without accounting for the expenditure in the B.C.R. and not submitting the bills through T.B.R. and these are the violation of the codal provisions. Regarding

charge No.IV as the Drawing Officer due to budget freeze the expenditure might have been incurred by the Department and the D.O. asked for payment in cash. Charge-V includes the passing of bills under 054. Electricity charges without balance in the 3rd quarter which may be essential expenditure. Charge-VII is general for the entire financial year 2000-2001 which may merge with charges I and II. Hence, the Review petition of Sri E.V. Hari, former Senior Accountant, Treasury Unit, Nalgonda may be considered and decided to modify the punishment of withholding of 4 annual grade increments with cumulative effect with effect on pension awarded by the D.T.A., Hyderabad to that of withholding of 3 annual grade increments without cumulative effect.

7. Accordingly, Government hereby order that the punishment of withholding of 4 annual grade increments with cumulative effect with effect on pension awarded by the D.T.A., Hyderabad vide proceedings 1st cited, be modified to that of withholding of 3 annual grade increments without cumulative effect.

8. The Director of Treasuries & Accounts, Hyderabad is requested to take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**VASUDHA MISHRA
SECRETARY TO GOVERNMENT (FP)**

To
Sri E. Venkat Hari,
S.T.O.,
Sub-Treasury, Bhongir,
(through DTA, AP.,Hyd.)
Copy to: The D.T.A., A.P., Hyd.

// Forwarded :: By Order //

SECTION OFFICER